Docket No.: 1293.1053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ju-ha PARK

Serial No. 09/163,977 Group Art Unit: 2422

Confirmation No. 6115

Filed: September 30, 1998 Examiner: Trang U. TRAN

For: METHOD OF ACQUIRING PROGRAM GUIDE INFORMATION, PROGRAM GUIDE METHOD APPROPRIATE FOR THE SAME, AND PROGRAM GUIDE APPARATUS

SUMMARY OF TELEPHONIC INTERVIEW

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On October 15, 2012, applicant's representative and Examiner Tran discussed the outstanding Office Action issued on October 11, 2012. In particular, applicant pointed out that though the outstanding Office Action states on page 2 that "Applicant's arguments with respect to claims 40, 42 and 46-51 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection," the Supplemental Preliminary Amendment filed July 16, 2012 actually particularly addressed the newly relied upon Continuation-in-Part (CIP) application Schneidewend et al., US Patent No. 6.249.320.

The July 16, 2012 Supplemental Preliminary Amendment particularly identified Schneidewend et al., which was previously identified by the Examiner in a previous Interview, and set forth the following:

> In addition, it is noted that the newly identified Schneidewend et al. reference does not correspond to an ATSC standard, for example FIG. 3 of the Schneidewend et al. reference does not correspond to any table of the A/65 ATSC standard, and further fails to set forth two-part channel numbers that are collectively selected for a single underlying program...
>
> Lastly, it is respectfully submitted that the Schneidewend et al. reference should **not** be permitted to claim priority from either the parent application, now issued as a patent, or the provisional application relied upon by the parent application, as the Schneidewend et al. reference is **not a proper Continuation-in-Part application.** The Schneidewend et al. reference does not have a common inventor with the parent application, and the original signed Declaration for the Schneidewend et al. reference equally did not include a common inventor from the parent application. The applicants of the Schneidewend et al. reference appear to have tried to overlap one inventor [from] the parent application, but that potentially overlapping inventor was removed when the actual Declaration was signed and submitted to meet the requirements for obtaining a filing date.

Here, in addition, it is noted that Schneidewend et al. equally should not be permitted to claim priority to a date prior to the filing date of the CIP application that resulted in Schneidewend et al. for subject matter that is firstly presented in the CIP. For example, a primary difference

between Ozkan et al., U.S. Patent No. 6,111,611 (parent to Schneidewend et al.), and Schneidewend et al. would appear to be newly presented subject matter of FIGS. 11-13 and the corresponding detailed description in col. 11, line 14, through col. 12, line 41, of Schneidewend et al., which is not presented in Ozkan et al. and which equally does not appear to be supported by the related provisional application 60/052,152, which Ozkan et al. claims priority from. Such newly presented subject matter should only be accorded an effective filing date, for 35 USC 102 purposes, as of the actual filing date of Schneidewend et al., i.e., December 22, 1998. This date is later than the filing date of the present application and thus not a proper 102 reference for such newly presented subject matter, apparently now relied upon to reject the pending claims in the outstanding Office Action.

At the conclusion of the October 15, 2012 telephonic interview with the Examiner, the Examiner indicated that a Supplemental or new Action would be issued to properly address applicants previously submitted remarks regarding Schneidewend et al., e.g., in conformance with MPEP 707.07(f), setting forth thee requirement that the Examiner must answer and address all traversals by the applicant.

The traversal in the July 16, 2012 Supplemental Preliminary Amendment was in response to the Examiner's previous identification of Schneidewend et al. during a previous interview as potentially being relied upon in the future by the Examiner in a future Office Action, i.e., as now seen in the outstanding Office Action.

This traversal in the July 16, 2012 Supplemental Preliminary Amendment was also presented for the purpose of expediting prosecution by addressing aspects of Schneidewend et al. that applicants believed should be considered before issuance of an Action relying upon Schneidewend et al.

For full consideration of the outstanding Office Action, applicants look forward to the Examiner's issuance of the Supplemental or new Action. It is also respectfully submitted that the above noted deficiency of the outstanding Office Action is an *error* that should result in the *restarting of the period for response* upon issuance of the Supplemental or new Action.

Respectfully submitted,
STAAS & HALSEY LLP

Date: 10/25/12

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